

REMARKS

Claims 1-13, 15-28 and 30-32 are pending in the application. Claims 14 and 29 are canceled without prejudice or disclaimer. By this paper, Claims 1, 16 and 31 are amended. Support for the amendment may be found throughout the specification as filed, and particularly at page 11, lines 12-19. The pending Amendment should be entered on the record as the amendment clarifies issues for Appeal in accordance with 37 CFR 1.116(b)(2). No additional search is believed to be necessary as the subject matter of the amendment merely clarifies Applicant's position, and is within the scope of the Office's initial search.

35 U.S.C. § 103(a) Rejection

Claims 1-13, 15-28 and 30-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 7,076,541 issued to Bursten et al. (herein referred to as "Bursten") in view of U.S. Patent Publication Number 2004/0133664 naming Colvig et al. (herein referred to as "Colvig"). Applicant respectfully traverses the rejection. Applicant reserves the right to present additional arguments in an Applicant's Brief on Appeal. While Claim 1 is discussed, similar rationales apply to the remaining claims.

Burstein/Colvig fails to at least teach the following (presuming, for the sake of argument, a motivation to combine exists and that entry of the amendment is proper):

- “monitoring a change implementation entity to determine when a domain specified in the domain change request has become active with the change, *by a monitoring entity*; and
- sending a notification *that the domain is active* to a recipient entity when the domain has been determined to become active, wherein the sending of the notification comprises sending an electronic mail message to the recipient entity *from the monitoring entity*.”

In the pending rejection the Office has cited Burstein, Col. 11 (reproduced below) as disclosing an electronic mail message. Applicant respectfully disagrees.

desired. The front-end of the domain manager sends a command to the back-end domain manager, which sends an e-mail to the administrative contact for the domain name and 20 waits for confirmation from the administrative contact that authorization is proper. Upon authorization, the back-end domain manager recognizes the operator as the authoritative zone and technical contact for that domain name and sends an appropriate message through the front-end domain manager to the operator. 25

Burstein, Col. 11, lines 18-26.

1) While Burstein does use email, the email is not sent from the monitoring entity (as clarified in the amendment). This is to say that, in Burstein the back-end server (the accredited register which takes the action) sends the message and not the monitoring entity. In the reference, the back-end server does not “monitor” and thus, the email in Burstein would come from the wrong “entity”.

Even if the appended amendment is not entered on the record, as there is no monitoring of “a change implementation entity” in Burstien, there is no teaching

or suggestion of monitoring which would allow a determination that the domain is active. Applicant agrees with the Office that Burstein does not teach or suggest this feature. However, Applicant disagrees with the Office that Colvig “fills-in” this teaching. Colvig is directed to a method of changing an IP address of a server. Colvig, Abstract. While Colvig does teach pinging an IP address while waiting for a response (from the server), Colvig does not monitor “a change implementation entity” to “determine when a domain specified in the domain change request has become active with the change”. With respect to the former non-present feature, while Colvig may disclose determining if a server is replying, Colvig does not monitor “a change implementation entity”. Thus, the wrong “entity” is being monitored (presuming, for the sake of argument, that “monitoring” is occurring in Colvig). While Colvig may determine if the server is responding or not, Colvig will not determine when a “change request has become active”. As a result, Colvig does not teach when a “change request has become active”, but instead (at best) discloses determining if a server is responding or not. That is, Colvig does not determine whether the change is active or not, but instead is directed to the response of the server. Colvig, Page 4, paragraphs [0052]-[0054].

2) The email message in Burstein does not alert the recipient entity that the domain is active (with the change). Rather, the email notification is a request for confirmation (i.e., is waiting for authorization to proceed with the action). Thus,

in Burstein, the domain is not active with the change and the “message” is a request for authorization rather than a notice that the domain is active.

For comparison, while the present subject matter recites a method for alerting a recipient entity that a domain is active, Burstein is directed to facilitating communications between a secondary registrar (such as an ISP) and a primary register (such as Network Solutions). Colvig does not “fill-in” these missing teachings because Colvig does not teach (1) a monitoring entity sending a notification or (2) the notification “that the domain is active”. As a result, the combination does not disclose each and every limitation.

Claims 2-13 are allowable as depending from an independent claim which is in a condition for allowance. Applicant traverses the rejection. Claims 2-13 recite additional features which are not found in the art of record. Applicant respectfully re-forwards the arguments presented in the preceding replies. Removal of the pending rejection is requested and allowance is solicited.

The rejection of **Independent Claim 16** under 35 U.S.C. § 103(a), is similarly traversed. Claim 16 (amended portions are indicated by underlining), in part, recites;

- “monitoring logic configured to monitor a change implementation entity to determine when a domain specified in the domain change request has become active with the domain change request; and
- notification logic configured to send a notification that the domain is active with the domain change request to a recipient entity when the domain has

been determined to become active with the domain change request, wherein the notification logic is configured to send the notification by sending an electronic mail message to the recipient entity.”

The pending rejection is improper for at least the following reasons (presuming, for the sake of argument, a motivation to combine exists). First, the combination of Burstein/Colvig fails to teach monitoring a change implementation entity. Colvig, cited by the Office for this teaching, does not monitor the change implementation entity but instead (at best) may determine if a server is responding. As a result, if we presume the Office’s arguments are correct, the wrong component is being “monitored” as the server would be the device being changed, rather than the change implementation entity. Further, the Burstein/Colvig combination fails to provide notification that the domain is active with the change request (as amended). Moreover, the wrong “entity” would be sending the notification as Burstein discloses that the back-end server sends the message and not a monitoring logic. Thus, if we follow the Office’s reasoning (for argument’s sake only) the notification should come from an “entity” other than the back-server, as the back-end server is making the change. For at least the foregoing reasons, the pending rejection is improper. Removal of the pending rejection is requested and allowance is solicited.

Claims 17-28 and 30 are allowable as depending from an independent claim which is in a condition for allowance. Applicant traverses the rejection.

Claims 17-28 and 30 recite additional features which are not found in the art of record. Applicant reserves the right to provide additional arguments. These arguments are not believed to be necessary as the Office has failed to prove a *prima facie* case of obviousness with respect to independent claim 16 from which these claims depend. Removal of the pending rejection is requested and allowance is solicited.

Independent Claim 31 is allowable for at least the following reasons. Claim 31, in part, recites (the proposed clarifying amendment is indicated by underling):

- “means for monitoring a change implementation entity to determine when a domain specified in the domain change request has become active with the change; and
- means for sending a notification to a recipient entity when the domain has been determined to become active with the change, wherein the sending of the notification comprises sending an electronic mail message to the recipient entity.”

The Burstein/Colvig combination fails to teach at least these features. For example, the Office asserts Colvig for “monitoring”, but in Colvig the only potential “monitoring” is of the device being changed and not the “change implementation entity”. Moreover, (if the amendment is entered) the combination of Burstein/Colvig does not indicate when the domain becomes active with the change, rather Burstein/Colivg merely teaches determining if the server is responding or not. Moreover, as the claim recites “means for sending a

notification" and "a change implementation entity" the teaching of a back-end server (the device making the change) sending an email fails to teach or suggest a notification entity sending a notification (i.e., an email). For at least the foregoing reasons, the pending rejection is improper. Removal of the pending rejection is requested and allowance is solicited.

Claims 32 and 33 are allowable as depending from an independent claim which is in a condition for allowance. Applicant traverses the rejection. Claims 32 and 33 recite additional features which are not found in the art of record. Removal of the pending rejection is requested and allowance is solicited.

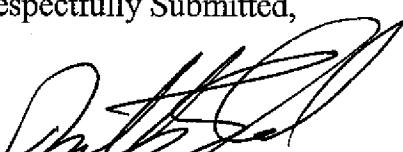
Conclusion

All of the claims are believed to be in condition for allowance. Entry of the pending amendment should be allowed as the amendment clarifies issues for appeal.

Respectfully Submitted,

Dated: 10/11/07

By:



Nathan T. Gerasch
Reg. No. 48,600
(509) 324-9256 x228